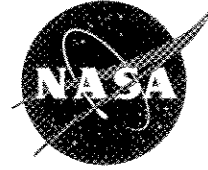


National Aeronautics and Space Administration

Headquarters

Washington, DC 20546-0001



September 22, 2009

Reply to Attn of:

General Law Practice Group

TO: Distribution

FROM: Alternate Designated Agency Ethics Official

SUBJECT: Determination Regarding Attendance by NASA Employees at the Congressional Black Caucus Annual Phoenix Awards Dinner in Washington, DC, on September 26, 2009

The Congressional Black Caucus Foundation, Inc. will hold its Annual Phoenix Awards Ceremony and Dinner at 7:00 p.m., on September 26, 2009 at the Washington Convention Center, in Washington, DC. The CBCF is a non-profit, non-partisan public policy, research and educational institute. It is a tax-exempt 501(c)(3) organization. The CBCF educates future leaders and promotes collaborations between community and minority-focused organizations, business and organized labor to effect positive and sustainable change. It is composed of representatives from industry, Government, educational institutions, and private individuals. The purpose of this event is to recognize the achievements of extraordinary individuals who have made significant contributions to society.

The event will be attended by elected officials, Government representatives, entrepreneurs, emerging leaders, and members of the public. The cost of attendance ranges from \$750 to \$3,500 per person. Approximately 4,000 people are expected to attend the event. I find that this event meets the requirements of a "widely attended gathering" as defined in 5 C.F.R. § 2635.204(g).

I have determined that free attendance of NASA employees is in the best interests of the Agency because it will further NASA programs and operations. The event will provide an opportunity for NASA officials to discuss NASA's programs and plans with other attendees, including members of Congress.

Accordingly, NASA employees whose duties do not substantially affect CBCF, including NASA employees in non-career positions who are required to sign the ethics pledge under Executive Order 13490, may accept an invitation from CBCF for free attendance to the event for themselves and their invited spouses or guests.

Note that some NASA contractors may be providing sponsorship for this event and purchasing tables at which CBCF may seat other attendees. To avoid the appearance of a conflict of interest, NASA employees who attend the dinner must ensure that they do not sit at a table sponsored by a contractor with which they are closely and currently involved or

expect to be involved within the next few months, i.e., by way of source selection or contract administration duties. In addition, non-career employees who are required to sign the ethics pledge may not sit at a table sponsored by a lobbying organization or registered lobbyist.

It will be sufficient if invited NASA employees provide the names of such contractors to CBCF with their RSVPs and do not sit at the listed companies' tables. Employees do not have to list any and all contractors with whom future contact is possible or contractors with whom they have infrequent contacts on trivial matters. Rather, only contractors with whom they are or will soon be closely involved as described above need be listed. Consequently, it is expected that for most employees, the list of prohibited sources can be kept to a minimum. The final decision on this matter is, of course, left to the employee who has first-hand knowledge of his or her responsibilities.

NASA employees whose duties may substantially affect CBCF, such as by way of procurement duties, should seek an individual determination pursuant to 5 C.F.R. § 2635.205(g)(3)(i) regarding participation in this event from their local ethics counselor.

A handwritten signature in black ink, appearing to read 'Adam F. Greenstone', with a stylized, cursive script.

Adam F. Greenstone